
SUBSTITUTE HOUSE BILL 1646

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

READ FIRST TIME 02/12/07.

1 AN ACT Relating to sampling of fish, wildlife, and shellfish by
2 department of fish and wildlife employees; amending RCW 77.15.360;
3 adding a new section to chapter 77.12 RCW; creating a new section; and
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature intends that sampling of
7 fish, wildlife, and shellfish by department of fish and wildlife
8 employees will ensure the conservation and management of fish,
9 shellfish, and wildlife. Because the harvest of fish and wildlife is
10 regulated by the department, the legislature finds that sampling by
11 departmental employees will benefit the resource, and will further the
12 department's research related to fish, wildlife, and shellfish. This
13 act does not apply to the harvest of private sector cultured aquatic
14 products as defined in RCW 15.85.020.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
16 to read as follows:

17 (1) Department employees, in carrying out their duties under this
18 title on public lands or state waters, may:

1 (a) Collect samples of tissue, fluids, or other bodily parts of
2 fish, wildlife, or shellfish; or

3 (b) Board vessels in state waters engaged in commercial and
4 recreational harvest activities to collect samples of fish, wildlife,
5 or shellfish.

6 (i) Department employees shall ask permission from the owner or his
7 or her agent before boarding vessels in state waters.

8 (ii) If an employee of the department is denied access to any
9 vessel where access was sought for the purposes of (b) of this
10 subsection, the department employee may apply to any court of competent
11 jurisdiction for a search warrant authorizing access to the vessel in
12 order to carry out their duties under this section. The court may upon
13 application issue a search warrant for the purposes requested.

14 (2) Department employees must have official identification,
15 announce their presence and intent, and perform their duties in a safe
16 and professional manner while carrying out the activities in this
17 section.

18 (3) This section does not apply to the harvest of private sector
19 cultured aquatic products as defined in RCW 15.85.020.

20 (4) This section does not apply to fish and wildlife officers and
21 ex officio fish and wildlife officers carrying out their duties under
22 this title.

23 **Sec. 3.** RCW 77.15.360 and 2000 c 107 s 243 are each amended to
24 read as follows:

25 (1) A person is guilty of unlawful interfering in department
26 operations if the person prevents department employees from carrying
27 out duties authorized by this title, including but not limited to
28 interfering:

29 (a) In the operation of department vehicles, vessels, or aircraft;
30 or

31 (b) With the collection of samples of tissue, fluids, or other
32 bodily parts of fish, wildlife, and shellfish under section 2 of this
33 act.

34 (2) Unlawful interfering in department operations is a gross
35 misdemeanor.

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